

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MICHAEL ALLEN SMITH, SR.,)
)
Petitioner,)
)
v.) Case No. 1:20-cv-01286-JDB-jay
) Re: 1:14-cr-10099-JDB-1
M.D. SMITH,)
)
Respondent.)

**ORDER DIRECTING PETITIONER TO FILE AN *IN FORMA PAUPERIS*
AFFIDAVIT AND TRUST FUND ACCOUNT STATEMENT OR
PAY \$5.00 HABEAS FILING FEE**

On March 27, 2020, the Petitioner, Michael Allen Smith, Sr., Bureau of Prisons register number 27377-076, who is currently incarcerated at MCFP Springfield, Missouri, filed a document in his criminal case, No. 1:14-cr-10099-JDB-1, styled “Motion to Correct and Be Given Time Credit.” (Case No. 1:14-cr-10099-JDB-1, Docket Entry (“D.E.”) 45.) The Court construed the filing as a petition pursuant to 28 U.S.C. § 2241 and, in an order entered May 4, 2021, directed the Clerk to open the instant civil case for the purpose of adjudicating the petition. (*Id.*, D.E. 47.) However, if the inmate wishes to proceed with this petition, it will be necessary for him to either pay the \$5.00 habeas filing fee required by 28 U.S.C. § 1914(a) or submit an application to proceed *in forma pauperis*.

Accordingly, Petitioner is ORDERED to submit, within thirty days of the entry date of this order, either the \$5.00 habeas filing fee or a properly completed and executed application to proceed *in forma pauperis*, along with a copy of his inmate trust account

statement for the last six months.¹ The Clerk is DIRECTED to mail Petitioner a copy of the prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in dismissal of the petition without further notice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

IT IS SO ORDERED this 6th day of May 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹In the interest of expediting this matter, Petitioner is advised that, if his inmate trust account had a balance of at least \$25.00 on the date the petition was filed, an application to proceed *in forma pauperis* will be denied.